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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

MEGAN WHITE, JERONIMO AGUILAR,  
LOREN WAYNE KIDD, LYRIC NASH,  
NICOLLETTE JONES, and ODETTE ZAPATA,

Plaintiffs,

v.

SACRAMENTO POLICE DEPARTMENT; THE  
CITY OF SACRAMENTO; DANIEL HAHN;  
and DOES 1-200 (the names and numbers of  
which are currently unknown),

Defendants.

) Case No. 2:21-cv-02211-JAM-DB  
)  
) **STIPULATION AND APPLICATION FOR**  
) **AMENDMENT OF THE PRETRIAL**  
) **SCHEDULING ORDER; ORDER**

Pursuant to Fed. R. Civ. P. 6(b)(1) and Civil Local Rules 144(a), Plaintiffs Megan White, Jeronimo Aguilar, Loren Wayne Kidd, Lyric Nash, Nicollette Jones, and Odette Zapata (“Plaintiffs”) and Defendants the City of Sacramento, the Sacramento Police Department, and Daniel Hahn (“Defendants”), collectively “the parties”, by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on August 10, 2022, the Court issued a Pretrial Scheduling Order (Dkt. No. 34); and then entered an Amended Pretrial Scheduling Order on June 20, 2023 (Dkt. No. 46).

WHEREAS, the Amended Pretrial Order provides that the date for completion of discovery is December 1, 2023, the date for disclosure of expert witnesses is December 15, 2023, and the date for disclosure of rebuttal witnesses is January 19, 2024; and that, consistent with the original scheduling order (Dkt. 34), dispositive motions shall be filed by February 2, 2024, and hearing on such motions shall be on April 9, 2024 at 1:30 PM; the Final Pretrial Conference is SET for May 17, 2024 at 10:00 AM and the Jury Trial is SET for July 1, 2024 at 09:00 AM in Courtroom 6 (JAM) before District Judge John A. Mendez.

WHEREAS, Plaintiffs and Defendants previously stipulated only to extend the discovery cutoff and expert disclosure dates, with the expectation that those tasks could be completed without having to change the trial or other pre-trial dates. The parties now share the belief that discovery cannot be completed within the previously agreed upon timeframe, and further extension of the discovery and expert witness deadlines will require an extension of the dates currently set for motions, pre-trial conference and trial.

WHEREAS, Plaintiffs noticed the deposition of the City of Sacramento pursuant to Rule 30(b)(6) on December 27, 2022, including various topics of inquiry requiring the preparation and presentation of various different individual deponents.

WHEREAS, following several months of meeting and conferring, the parties reached agreement on the scope of the examination of the witnesses and the appropriate witnesses for 30(b)(6) deposition topics, and Plaintiffs scheduled various depositions for June 2023.

WHEREAS, on June 6, 2023 Plaintiffs’ counsel were notified that new counsel would be appearing on behalf of the Defendants, and that as a result majority of the scheduled depositions were cancelled.

WHEREAS, despite good faith efforts to re-schedule the 30(b)(6) depositions, Plaintiffs have only

1 been able to complete depositions of four (4) of the eleven (11) deponents identified as having the requisite  
2 knowledge to respond to the issues raised in the 30(b)(6) notice of deposition. One deponent was presented  
3 who was not prepared to testify to the designated topics, and the deposition had to be terminated and reset.  
4 One deposition that was partially completed was scheduled for completion on September 28, 2023, but was  
5 cancelled by Defendants' counsel and has been re-noticed for October 23, 2023. Plaintiffs have received  
6 confirmed dates for one other deposition, which has been noticed for October 19, 2023. Defendants have not  
7 provided available dates for the remaining five (5) deponents identified in response to the 30(b)(6) notice.

8 WHEREAS, based on initial discovery responses Plaintiffs anticipate that they will need to notice  
9 ten (10) additional percipient witness depositions, which will include several police officers from the  
10 Sacramento Police Department. Defendants wish to take the deposition of each of the seven (7) Plaintiffs.

11 WHEREAS, the parties do not believe that it will be possible to complete all of the remaining  
12 deposition discovery by December 1, 2023 given current scheduling conflicts of the parties' counsel, the  
13 difficulty in obtaining available dates for the witnesses, and the impending holidays.

14 WHEREAS, Plaintiffs believe that they have diligently pursued discovery in this case, but there have  
15 also been delays in responses to written discovery. Although Plaintiffs' claims include detailed custom and  
16 practice allegations under a *Monell* theory of liability, the parties have not exchanged even close to the  
17 volume of written discovery Plaintiffs anticipated and that are necessary for the scope of the claims and  
18 appropriate and proportional under Fed. R. Civ. Proc. 26.

19 WHEREAS, Plaintiffs served a Second Set of Interrogatories (served July 18, 2022) and Second Set  
20 of Requests for Production of Documents (served on July 21, 2023) but responses to both were considered  
21 incomplete, or otherwise deficient by Plaintiffs. After multiple meet and confer sessions Defendants have  
22 agreed to supplement those responses and will do so between October 13 and October 20, 2023.

23 WHEREAS, Plaintiffs have continued to request supplemental responses to Plaintiffs' First Set of  
24 Interrogatories (served July 18, 2022). On September 23, 2023, Defendants supplemented their responses to  
25 the First Set of Interrogatories. On October 10, 2023, Plaintiffs renewed their concerns regarding  
26 deficiencies in Defendants' responses. Defendants are considering those requests for further  
27 supplementation from Plaintiffs.  
28

1 WHEREAS, on October 3, 2023, Plaintiffs served their Third Request for Production of Documents,  
2 and responses to those requests are outstanding. Plaintiffs anticipate the need to serve additional  
3 interrogatories and other requests for production, as needed, based on Defendants' ongoing document  
4 disclosures.

5 WHEREAS, the parties believe that—in part due to the change in Defendants' counsel—the process  
6 of negotiating and completing the volume of written discovery in this action, including any necessary  
7 discovery conferences or motion practice over disputed records, will require several months.

8 WHEREAS, Plaintiffs served Defendants with a written settlement demand on August 16, 2023.

9 WHEREAS, Defendants acknowledged, but have not substantively responded to Plaintiffs' demand.

10 WHEREAS, the parties are still interested in pursuing meaningful settlement discussions and believe  
11 that extending the discovery deadlines will promote those efforts.

12 WHEREAS, Defendants wish to delay settlement discussion until after they have had the  
13 opportunity to depose all Plaintiffs, and which the parties believe will likely take until at least the middle of  
14 November or early December.

15 WHEREAS, at that time the parties will seek a referral to a U.S. Magistrate for the purpose of  
16 attempting to resolve this matter but anticipate that scheduling a settlement conference in December will  
17 likely be a challenge, and the parties feel that several sessions may be necessary to resolve the case given  
18 the complexity of the case.

19 WHEREAS, the parties believe that the filing of dispositive motions will distract from settlement  
20 efforts, but all parties desire to preserve the right to seek pre-trial relief if settlement is not possible.

21 WHEREAS, the parties now believe that in order to complete discovery, designate expert witnesses,  
22 engage in meaningful settlement and, if necessary, file and have hearing on dispositive motions, it will be  
23 necessary to extend all current pretrial dates and the trial date by at least five months.

24 WHEREAS, this joint request is being made in the interests of judicial economy and in good faith  
25 and will not prejudice any party.

26 WHEREAS, the parties have shown good cause for the stipulated extensions pursuant to Fed. R.  
27 Civ. P. 16(b)(4), in light of the parties' diligent efforts on discovery to date, in light of recent counsel  
28

changes necessitating cancellation of scheduled depositions, and in light of the parties' desire to participate in meaningful settlement discussions over the coming months.

NOW THEREFORE, Plaintiffs and Defendants hereby stipulate, subject to the approval of this Court for good cause shown, that:

1. The deadline for parties' completion of discovery shall be extended to May 1, 2024.
2. The deadline for parties' disclosure of expert witnesses shall be extended to May 15, 2024.
3. The deadline for parties' disclosure of rebuttal experts shall be extended to June 19, 2024.
4. The deadline for filing dispositive motions be extended to July 2, 2024. Hearing on such motions shall be on September 9, 2024 at 1:30 PM
5. The date for the Final Pretrial Conference be extended and SET for October 17, 2024 at 10:00 AM and the date for Jury Trial be extended and SET for December 2, 2024 at 09:00 AM in Courtroom 6.

Respectfully submitted,

Dated: October 18, 2023

SIEGEL, YEE, BRUNNER & MEHTA

/s/ Dan Siegel

DAN SIEGEL

Attorneys for Plaintiffs MEGAN WHITE, JERONIMO AGUILAR, LOREN WAYNE KIDD, LYRIC NASH, NICOLLETTE JONES, and ODETTE ZAPATA

Dated: October 18, 2023

SACRAMENTO CITY ATTORNEY

/s/ Sean D. Richmond

SEAN D. RICHMOND

Attorneys for Defendants  
SACRAMENTO POLICE DEPARTMENT; THE CITY OF  
SACRAMENTO; DANIEL HAHN

**ORDER MODIFYING PRETRIAL SCHEDULING ORDER**

Based on the stipulation of the parties and good cause appearing, the case schedule is **MODIFIED** as follows:

1. The deadline for parties' completion of discovery shall be extended to **May 01, 2024**.
2. The deadline for parties' disclosure of expert witnesses shall be extended to **May 15, 2024**.
3. The deadline for parties' disclosure of rebuttal experts shall be extended to **June 19, 2024**.
4. The deadline for filing dispositive motions be extended to **July 02, 2024**. Hearing on such motions shall be on **September 10, 2024, at 1:30 PM.**<sup>1</sup>
5. Joint Mid-Litigation Statement Filing Deadline: Fourteen (14) days prior to the close of discovery.
6. The date for the Final Pretrial Conference is **SET** for **October 29, 2024, at 10:00 AM**.
7. The date for Jury Trial is **SET** for **December 02, 2024, at 09:00 AM**, in Courtroom 6;
8. All other instructions contained in the August 10, 2022, Pretrial Scheduling Order (ECF No. 34), shall remain in effect.

IT IS SO ORDERED.

Dated: October 23, 2023

/s/ John A. Mendez

\_\_\_\_\_  
THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE

<sup>1</sup> Calendars are subject to last minute changes. Contact the Courtroom Deputy for available dates.